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# Sillas Rejects Demand by White House That He Take Another Lie Detector Test

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WASHINGTON—U.S. Attorney Herman Sillas Tuesday rejected a White House demand that he submit to a lie detector test by the chief CIA polygraph operator, saying a test he paid for himself had cleared him of a bribery charge.

White House officials said Sillas, by defying the ultimatum presented after an internal Justice Department investigation, had paved the way for President Carter to fire him.

Sillas, 46, is one of the highest-ranking Hispanics in the Carter Administration, and the top Justice Department official in the Sacramento area. He said at a press conference here Tuesday that he was innocent of the 1974 bribery allegation leveled by a convict, Richard Workman.

The allegation is untrue and the alleged transaction never happened, Sillas said of Workman's charge that he gave Sillas \$7,500 in the hope Sillas would help him obtain an auto dealer's license. At the

time, Sillas was a candidate for California secretary of state, and later was director of the California Department of Motor Vehicles.

"I walked into this office with a clean reputation . . . I'm not walking out of here with any cloud over my head," Sillas said. He said he already had refused two requests to resign tendered by acting deputy Atty. Gen. Charles Ruff.

Sillas handed out documents to reporters that indicated four polygraph operators had discredited two lie detector tests that Sillas had failed. The tests had been conducted by the FBI's chief polygrapher, Paul Minor.

Sillas also presented a statement by Lynn Marcy, director of the American Polygraph Assn., indicating that Sillas passed the crucial questions in a third test that Marcy privately administered to Sillas.

In June, Sillas proposed that the Marcy test be accepted in lieu of a test ordered by the White House, which was to be conducted by the CIA's top polygrapher.

White House Counsel Lloyd Cutler rejected Sillas' proposal, noting in a letter to Sillas' attorney that Marcy's conclusions were disputed after being reviewed by Minor, the original FBI polygrapher.

Cutler also emphasized that the Marcy test had been arranged privately by Sillas, without prior notice to the Justice Department, "under circumstances which would have permitted you . . . not to disclose the results to us if you had deemed them unfavorable."

Cutler warned that if Sillas refused to take the test, "we will proceed promptly to complete our review of the matter, taking due account of Mr. Sillas' refusal."

Previously, in internal investigations in the Department of Justice, a negative inference was not permitted to be drawn from an employee's unwillingness to submit to the polygraph.

But partly as the outgrowth of a current investigation into "Abscam" leaks within the Justice Department, Atty. Gen. Benjamin R. Civiletti has adopted a tentative policy of permitting an adverse infer-

ence to be drawn from an employee's refusal to take the test.

Sillas, who said he has used a polygraph test only once as a prosecutor, dismissed the lie detector in general as "at best one factor and at best irrelevant, to the extent that it is not admissible in court."

Sen. Alan Cranston (D-Calif.), who recommended Sillas to President Carter for the U.S. attorney's job in 1977, issued a statement Tuesday supporting Sillas.

"I have become aware of no hard evidence to contradict Herman's assertion that he is innocent of taking the alleged bribe. I do not believe that his purported failure to pass the two lie detector tests is alone evidence of guilt. In the absence of any concrete evidence of guilt, Herman Sillas should not, I believe, be removed or pressured to resign as U.S. attorney," Cranston said.

Vilma Martinez, president and general counsel of the Mexican American Legal Defense and Education Fund, issued a statement in San Francisco saying that Sillas "demonstrated that he is innocent by fully disclosing the facts in the case."

When the Workman allegations were disclosed six months ago, some Carter Administration critics charged that Sillas was being allowed to stay in office because he was a well-known Hispanic activist with ties to the Democratic Party.

White House officials have said that the charges took him out of the running last year for the position of commissioner of the Immigration and Naturalization Service.

Sillas and MALDEF denied Tuesday that the charges—or the White House treatment of him so far—had anything to do with his Hispanic background. "No one, including the White House, is playing ethnic politics," Martinez said.